

**CITY OF SHOREVIEW
MINUTES
REGULAR CITY COUNCIL MEETING
August 3, 2009**

CALL TO ORDER

Pursuant to due call and notice thereof, a regular meeting of the Shoreview City Council was called to order by Mayor Martin on August 3, 2009, at 7:01 p.m.

PLEDGE OF ALLEGIANCE

The meeting opened with the Pledge of Allegiance to the flag.

ROLL CALL

The following members were present: Mayor Martin; Councilmembers Wickstrom and Quigley.

Councilmembers Huffman and Withhart were absent.

APPROVAL OF AGENDA

Mayor Martin noted that item No. 14, Weed Abatement, is pulled from the agenda, as that matter has been addressed.

MOTION: by Councilmember Withhart, seconded by Councilmember Wickstrom to
 approve the August 3, 2009 agenda as amended.

ROLL CALL: Ayes - 3 Nays - 0

PROCLAMATIONS AND RECOGNITIONS

Mayor Martin presented a plaque and read the following proclamation to recognize Don and Diane Boelter who were chosen Senior Citizens of the Year by Ramsey County:

WHEREAS, Don and Diane Boelter are active senior citizens residing in the City of Shoreview; and

WHEREAS, Don and Diane Boelter spend countless hours volunteering their time to various groups and organizations; and

WHEREAS, Don and Diane Boelter volunteer their time at their church being greeters, serving meals, washing dishes and counting money; and

WHEREAS, Don and Diane Boelter also volunteer at the Ronald McDonald House and are bell ringers for the Salvation Army; and

WHEREAS, Don and Diane Boelter also volunteer with several other organizations such as the Special Olympics, Midwest Special Services and Feed My Starving Children; and

WHEREAS, Don and Diane Boelter were awarded the 2009 Ramsey County Senior Citizens of the Year Award.

NOW, THEREFORE, BE IT RESOLVED, that I, Mayor Sandra C. Martin, on behalf of the Shoreview City Council and the entire City of Shoreview, hereby present this proclamation to Don and Diane Boelter on this 3rd day of August 2009 in recognition of their outstanding volunteerism throughout the community and the metropolitan area.

Mr. Boelter thanked the Mayor and stated that he and Diane enjoy volunteering, but noted that there are others who are just as deserving.

CITIZEN COMMENTS

There were none.

COUNCIL COMMENTS

Mayor Martin:

There were 26 people who visited Shoreview from Einhausen, Germany. They participated in the *Slice*. Shoreview was presented with a plaque that was created out of pure copper by a local Einhausen artist. It will be in the display case at City Hall. Shoreview presented them with a copy of the musical written in recognition of Shoreview's 50th Anniversary in 2007.

The Farmers' Market is Tuesday, August 4, 2009. The first 500 people will receive roasted corn on the cob.

Neighborhood block parties for *Night to Unite* will be Tuesday evening, August 4th. Forty parties are scheduled. Councilmembers will attend as many as possible.

This Wednesday and next Wednesday evening will be the last two of the concert series at the pavilion behind the Community Center. It starts at 7:00 p.m. Attendance has been from 300 to 500 people. On August 5, 2009, the *AM Transistors* will play oldies and on August 10, 2009, the *Bend in the River Band* will play jazz music.

Councilmember Quigley:

Commended staff for the spectacular artwork on the cover of the new issue of the *ShoreView*. The content is also particularly timely. One article is on budget and foreclosure actions that the City is trying to address.

Councilmember Wickstrom:

Thank you to the families who hosted the visitors from Einhausen.

Thank you to all who worked at the *Slice*. It was again a great event.

The rain garden tours, sponsored by the Environmental Quality Committee and the Green Communities, were on August 3, 2009. She was pleased that those who attended are very interested in the environmental aspects and how to protect water.

The City Forester has reported receiving calls from companies for treating emerald ash borer. The City Forester recommends holding off on any treatment. So far, nothing has been sighted in Shoreview, and there are traps that have been in place for two years. At \$250 for treatment per tree, it is not necessary for residents to spend that money at this time. Also, the effects of chemicals used are not known. The emerald ash borer has been found in the midway area of St. Paul.

Mayor Martin added that there is more good information on the website on this issue.

The Ramsey County League of Local Governments will meet August 20, 2009, at 7:00 p.m. at Little Canada City Hall. Peter Bell and Metropolitan Council representatives will meet with local government leaders.

CONSENT AGENDA

Councilmember Quigley noted under Item No. 7, *Acceptance of ULI/RCM Final Study – Housing Audit and Site Analysis*, that to move forward on the particular site studied, Midland Terrace, depends on the owners. However, treatment of Lake Shoreview might be an appropriate start. Mayor Martin added that the realignment of County Road E also needs to be considered.

MOTION: by Councilmember Wickstrom, seconded by Councilmember Quigley to adopt the consent agenda of August 3, 2009 approving the necessary motions and resolutions:

1. July 13, 2009 City Council Workshop Meeting Minutes
2. July 20, 2009 City Council Meeting Minutes
3. Receipt of Committee/Commission Minutes
 - Planning Commission, June 23, 2009
 - Public Safety Committee, July 16, 2009
 - Environmental Quality Committee, July 27, 2009
4. Verified Claims in the Amount of \$1,619,479.94
5. Purchases

6. Adoption of Administrative Penalties for Tobacco License Violation – Rainbow Foods and Danielle Sipe
7. Acceptance of ULI/RCM Final Study – Housing Audit and Site Analysis
8. Acceptance of Quote – Trail Sealing Project
9. Approval of Final Payment – 2009 Street Seal Coating, CP 09-09
10. Approval of Final Payment – 2009 Assessments
Emmert Street Reconstruction, CP 08-01 A
Arbogast Street Reconstruction, CP 08-01 B
11. Request Municipal State Aid Advance
12. Approval of Quote – Tennis Court Resurfacing

ROLL CALL: Ayes – 5 Nays – 0

PUBLIC HEARINGS

There were none.

GENERAL BUSINESS

CONDITIONAL USE PERMIT – DONLAR CONSTRUCTION, 550 SHOREVIEW PARK ROAD

Presentation by City Planner Kathleen Nordine

A conditional use permit has been requested for outside equipment storage by Donlar Construction. The property consists of 1.6 acres with a 16,000 square foot warehouse. The property is zoned Industrial as is surrounding land uses. Donlar Construction is moving from Roseville to this new location. The company employs approximately 126 people. Their hours of operation are 7:30 a.m. to 4:30 p.m. The parking area will be restriped, including the storage area. Donlar will occupy the majority of space in the warehouse but may lease some to other tenants. The request for outside storage is for construction cranes, trailers and trucks at the rear of the building. The storage area is fenced. There is a drainage basin on the southwest portion of the property.

The City's Development Code permits outside storage areas in districts zoned Industrial. Staff finds that the proposal complies with the Development Code and Comprehensive Plan. This site is located in PDA No. 17 and TRA No. 3. Future redevelopment anticipates light industrial. This proposal will not impede any future redevelopment. The outside storage will not be visible from Shoreview Park Road, and there will be no storage of hazardous materials. The area will be closed at night and screened with landscaping in addition to the fence.

Property owners within 350 feet were notified of the application. Two comments were received in support. The Fire Department reviewed the proposal and had no comments. The Planning Commission reviewed the application and recommended approval on a 6 to 0 vote with a

revision to condition No. 2, “Equipment greater than 24 feet in length may be stored for a period not to exceed 30 days.” Also, condition No. 7 was added to require Donlar to notify the City if there is any change in ownership, which results in Donlar occupying less than two-thirds of the building.

Councilmember Wickstrom asked if this action would be grandfathered in with the property, or, if there is a problem, can the City review the matter. Ms. Nordine stated that the Council has authority to review and revoke the conditional use permit if there are violations. The permit is attached to the land as long as it is in compliance.

Planning Commissioner Solomonson stated that the Planning Commission discussion focused on the types of equipment that would be stored, the definition of temporary storage and concerns about leasing space. This discussion led to the revision of condition No. 2 and adding condition No. 7.

MOTION: by Councilmember Quigley, seconded by Councilmember Wickstrom to adopt Resolution No. 09-60 approving the conditional use permit request for Donlar Construction, to have an outside storage area on the property at 550 Shoreview Park Road, subject to the following conditions:

1. The project must be completed in accordance with the plans submitted with the applications. Outdoor storage areas shall be enclosed with fencing and screened as indicated in the approved plan. Vegetation that dies shall be replaced in accordance with the City’s landscaping requirements.
2. Use of the outdoor storage area is limited to the storage of cranes, trucks, trailers and equipment all of which shall be in operable condition and equipment greater than-24 feet in length may be stored for a period not to exceed 30 days. Material storage is permitted within the building; however, such material may be placed outdoors in the outdoor storage area as needed for no more than 3 business days.
3. The outside storage area shall be secured to prevent unauthorized entry.
4. There shall be no storage of hazardous materials within the outside storage area.
5. The drainage area located in the southwestern corner of the property shall be restored in accordance with the recommendations of the Asst. City Engineer.
6. The parking lot and outside storage area shall be striped to define parking stalls as shown on the submitted plan.
7. Donlar shall notify the City of any change in ownership or tenancy which results in less than two-thirds occupancy by Donlar or use of building.

The approval is based on the following findings:

1. The property is zoned I, Industrial in which outdoor storage is permitted as a conditional use.
2. The land use complies with the designated land use of the Comprehensive Plan and the proposed outdoor storage use will not impede the future redevelopment of this area.
3. The outdoor storage area complies with the standards of Section 205.050 (D)(7).

ROLL CALL: Ayes: Quigley, Wickstrom, Martin
 Nays: None

WATER SHUTOFF – 1444 KNOLL DRIVE

Presentation by City Planner Kathleen Nordine

Staff is proposing to discontinue water service at 1444 Knoll Drive, which is being used as a rental property without a rental license. The utility account on this property is delinquent. Section 501 allows the City to discontinue municipal water service if charges for water are unpaid. Utilities remain unpaid since September 2008. A notice was posted on the property July 22, 2009 for water shutoff on July 31, 2009. The property owner has requested that the water service remain on. This hearing is a result of the bill still being unpaid. The home cannot be occupied if the water service is discontinued.

Mayor Martin opened the public hearing at 7:35 p.m. There were no comments or questions.

City Manager Schwerm noted that this hearing is similar to a weed abatement hearing where an opportunity is given to be heard, but this is not a formal public hearing.

Councilmember Wickstrom stated that she just heard about this property in the last week when she received emails from residents in the neighborhood. She would like to see the water shut off as soon as possible.

Mayor Martin stated that she would support a water shutoff because a rental license has not been applied for and the utility bill is unpaid. She commended residents in the neighborhood for bringing this situation to the attention of the City and Sheriff's Department.

City Attorney Filla noted that neither the owner nor anyone representing the owner were present at the public hearing.

Councilmember Quigley thanked staff for taking care of this situation as quickly as legally possible.

MOTION: by Councilmember Wickstrom, seconded by Councilmember Quigley to authorize the discontinuation of water service at 1444 Knoll Drive because the municipal utility account is delinquent.

ROLL CALL: Ayes: Wickstrom, Quigley, Martin
 Nays: None

ADJOURNMENT

MOTION: by Councilmember Quigley, seconded by Councilmember Wickstrom to adjourn the meeting at 7:40 p.m.

ROLL CALL: Ayes - 3 Nays - 0

Mayor Martin declared the meeting adjourned.

THESE MINUTES APPROVED BY COUNCIL ON THE 17th DAY OF AUGUST 2009.

Terry C. Schwerm
City Manager